

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE: TERRORIST ATTACKS ON SEPTEMBER 11, 2001	: : :	Civil Action No. 03 MDL 1570 (GBD) (SN)
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This document applies to:

Grazioso, et al. v. The Taliban, et al.
1:22-cv-01188 (GBD) (SN)

CERTIFICATE OF SERVICE

The undersigned, Timothy B. Fleming, hereby certifies as follows:

1. I am an attorney duly licensed to practice law in the District of Columbia. I am admitted *pro hac vice* in this MDL. I am *of counsel* to Wiggins Childs Pantazis Fisher Goldfarb, PLLC, in Washington, D.C.
2. Along with others, I represent the *Grazioso* Plaintiffs in the above-captioned action. I am personally familiar with the instances of service described below.
3. This Certificate Of Service and the attached exhibits document the steps taken to serve the *Grazioso* Plaintiffs' pleadings (MDL Dkts. 8424 and 8428) on the Defendant the Taliban, by multiple alternative methods in conformity with the Court's April 17, 2023 Opinion and Order authorizing alternative service on the Taliban pursuant to Fed. R. Civ. P. 4(f)(3) (the "Order"). *See* MDL Doc. No. 9024.
4. The Order authorized service on the Taliban by, *inter alia*, publication of notice in newspapers, as follows:

The *Grazioso* Plaintiffs shall serve the Taliban by publishing notice of this action at least once per week for four consecutive weeks in *Al-Quds Al-Arabi* and the United States and

international editions of *The New York Times*. The content and timing of these notices must follow the requirements of CPLR § 316 and include “a brief statement of the nature of the action and the relief sought.” They must also include either all the materials required to be served or a link to publicly accessible online versions of those materials.

Order at 5.

5. Pursuant to the Order, the *Grazioso* Plaintiffs also drafted the following notice in compliance with CPLR § 316 and had it translated into Arabic and into Pashto, the recognized official language of Afghanistan:

PUBLIC NOTICE

In the United States District Court for the Southern District of New York, Case Nos. 03-MD-1570-GBD-SN and 1:22-CV-01188-GBD-SN, on August 23, 2022, Plaintiff Deborah Grazioso, as Personal Representative of the Estate of Timothy Grazioso, Deceased, and 246 other Plaintiffs, filed a Second Amended Complaint against the Islamic Emirate of Afghanistan, *a/k/a* the Taliban, and others in connection with the terrorist attacks in the United States on September 11, 2001.

Pursuant to, *inter alia*, 18 U.S.C § 2333, 28 U.S.C § 1331 and § 1332(a)(2) and the Torture Victim Protection Act of 1991, PL 102-256, 106 Stat. 73, the *Grazioso* Plaintiffs seek judgment in their favor against Defendants, jointly, severally, and/or individually, for compensatory and punitive damages in excess of One Billion US Dollars (US \$1,000,000,000), plus pre- and post-judgment interest, attorney’s fees, costs of this action and further appropriate relief. This is a notice that the pleadings have been filed. The pleadings are available in English and Pashto at the following website: www.wigginschilds.com/grazioso.

See **EXHIBIT A**.

6. Pursuant to the Order and as stated in their notice, the *Grazioso* Plaintiffs facilitated the creation of a publicly accessible online website at www.wigginschilds.com/grazioso. The website contains the text of their notice in English, Arabic and Pashto, as well as the *Grazioso* Second Amended Complaint and Summons in English and Pashto. *See*

www.wigginschilds.com/grazioso; *see also*, **EXHIBIT B** (screen capture of first page of www.wigginschilds.com/grazioso).

7. Attached hereto as **EXHIBIT C** is a true and correct copy of a Declaration of Publication from Pat Sundram, the business manager of *Al-Quds Al-Arabi* newspaper, certifying that the *Grazioso* Plaintiffs' notice was published in that newspaper on April 28, 2023; May 5, 2023; May 12, 2023; and May 19, 2023. The Declaration also includes true and correct copies of pages from *Al-Quds Al-Arabi* on those dates, each of which contains the published notice. The notice was published in *Al-Quds Al-Arabi* newspaper in Arabic (a copy of the Arabic translation of the notice is attached hereto at **EXHIBIT A**).
8. Attached hereto at **EXHIBIT D** are true and correct copies of four Proof of Publications from *The New York Times* certifying the publication of the *Grazioso* Plaintiffs' notice in the U.S. edition of *The New York Times*. Attached also at **EXHIBIT D** are true and correct copies of "tearsheets" showing the placements of the *Grazioso* notices in the U.S. editions of *The New York Times* newspaper.
 - a. Specifically, attached hereto as **EXHIBIT D.1.** is a notarized Proof of Publication signed by Larnyce Tabron, Principal Clerk of *The New York Times*, certifying publication of the *Grazioso* notice on May 3, 2023, as well as a tearsheet showing placement of the May 3, 2023 notice on page B4 in the U.S. edition of *The New York Times* newspaper.
 - b. Attached hereto as **EXHIBIT D.2.** is a notarized Proof of Publication signed by Larnyce Tabron, Principal Clerk of *The New York Times*, certifying publication of the *Grazioso* notice on May 10, 2023, as well as a tearsheet showing placement of

the May 10, 2023 notice on page B4 in the U.S. edition of *The New York Times* newspaper.

c. Attached hereto as **EXHIBIT D.3.** is a notarized Proof of Publication signed by Larnyce Tabron, Principal Clerk of *The New York Times*, certifying publication of the *Grazioso* notice on May 17, 2023, as well as a tearsheet showing placement of the May 17, 2023 notice on page B4 in the U.S. edition of *The New York Times* newspaper.

d. Attached hereto as **EXHIBIT D.4.** is a notarized Proof of Publication signed by Larnyce Tabron, Principal Clerk of *The New York Times*, certifying publication of the *Grazioso* notice on May 24, 2023, as well as a tearsheet showing placement of the May 24, 2023 notice on page B4 in the U.S. edition of *The New York Times* newspaper.

9. Attached hereto as **EXHIBIT E** are true and correct copies of four Proof of Publications from *The New York Times* certifying the publication of the *Grazioso* Plaintiffs' notice in the International edition of *The New York Times*. Attached also at **EXHIBIT E** are true and correct copies of "tearsheets" showing the exact placements of the notices in *The New York Times* – International edition.

a. Specifically, attached hereto as **EXHIBIT E.1.** is a notarized Proof of Publication signed by Larnyce Tabron, Principal Clerk of *The New York Times*, certifying publication of the *Grazioso* notice on May 3, 2023 in the International edition of *The New York Times* newspaper, as well as a tearsheet showing placement of the May 3, 2023 notice on page A9 in the International edition of *The New York Times*.

- b. Attached hereto as **EXHIBIT E.2.** is a notarized Proof of Publication signed by Larnyce Tabron, Principal Clerk of *The New York Times*, certifying publication of the *Grazioso* notice on May 10, 2023 in the International edition of *The New York Times* newspaper, as well as a tearsheet showing placement of the May 10, 2023 notice on page A7 in the International edition of *The New York Times*.
 - c. Attached hereto as **EXHIBIT E.3.** is a notarized Proof of Publication signed by Larnyce Tabron, Principal Clerk of *The New York Times*, certifying publication of the *Grazioso* notice on May 17, 2023 in the International edition of *The New York Times* newspaper, as well as a tearsheet showing placement of the May 17, 2023 notice on page A8 in the International edition of *The New York Times*.
 - d. Attached hereto as **EXHIBIT E.4.** is a notarized Proof of Publication signed by Larnyce Tabron, Principal Clerk of *The New York Times*, certifying publication of the *Grazioso* notice on May 24, 2023 in the International edition of *The New York Times* newspaper, as well as a tearsheet showing placement of the May 24, 2023 notice on page A7 in the International edition of *The New York Times*.
10. In conformity with the Order and CPLR § 316, the *Grazioso* notices were published in *The New York Times* newspaper (both the U.S. and International editions) and *Al-Quds Al-Arabi* newspaper once per week for four consecutive weeks.
11. The Order further required the *Grazioso* Plaintiffs to serve Defendant the Taliban by sending notice in English, Arabic, and Pashto to known Taliban-related Twitter accounts:

The *Grazioso* Plaintiffs shall additionally serve the Taliban via messages to the Twitter accounts @Abdullah_azzam7, @IeaOffice, @QaharBalkhi, @Zabehulah_M33, @QyAhmadi21, and @suhailshaheen1, or any other Twitter accounts reported to belong to Taliban spokespersons. The Twitter messages should be sent in English, with translations into Arabic and Pashto, and

contain the same notices published in *Al-Quds Al-Arabi* and *The New York Times*.

Order at 5.

12. The *Grazioso* Plaintiffs created a Twitter account at “@Grazioso_Plaintiffs.”
13. On May 23, 2023, the *Grazioso* Plaintiffs sent messages in English and Pashto to the Twitter accounts of @Abdullah_azzam7, @IeaOffice, @QaharBalkhi, @Zabehulah_M33, @QyAhmadi21, and @suhailshaheen1. See **EXHIBIT F**.
14. On June 6, 2023, the *Grazioso* Plaintiffs sent Twitter messages in Arabic to the Twitter accounts of @Abdullah_azzam7, @IeaOffice, @QaharBalkhi, @Zabehulah_M33, @QyAhmadi21, and @suhailshaheen1. See **EXHIBIT F**.
15. The *Grazioso* Plaintiffs’ Twitter messages contained the same notice as was published in *Al-Quds Al-Arabi* newspaper and *The New York Times* newspaper, including the link to the pleadings on-line at www.wigginschilds.com/grazioso. See **EXHIBITS A and B**.
16. Specifically, attached hereto as **EXHIBIT F.1** are true and correct copies of the Twitter messages, in English, Pashto and Arabic, sent from @Grazioso_Plaintiffs to @abdullah_azzam7 on May 31, 2023 and June 6, 2023. It is my understanding that @abdullah_azzam7 is a Twitter account associated with Abdullah Azzam, the secretary to Taliban Acting First Deputy Prime Minister Abdul Ghani Baradar. Also attached hereto at **EXHIBIT F.1** is a true and correct copy of a screen capture of the Twitter profile for @abdullah_azzam7, which states that it is the account of the “Personal Secretary 2 D 1st Deputy PM of D IEA, Mullah Abdul Ghani Baradar.”
17. Attached hereto as **EXHIBIT F.2** are true and correct copies of the Twitter messages, in English, Pashto and Arabic, sent from @Grazioso_Plaintiffs to @IeaOffice on May 31, 2023 and June 6, 2023. It is my understanding that @IeaOffice is a Twitter account

associated with Taliban political spokesman Mohammed Naeem. Also attached hereto at **EXHIBIT F.2.** is a true and correct copy of a screen capture of the Twitter profile for @IeaOffice, which states that it is the account of “Spokesman of the Political Office of the Islamic Emirate of Afghanistan.”

18. Attached hereto as **EXHIBIT F.3.** are true and correct copies of the Twitter messages, in English, Pashto and Arabic, sent from @Grazioso_Plaintiffs to @QaharBalkhi on May 31, 2023 and June 6, 2023. It is my understanding that @QaharBalkhi is a Twitter account associated with Abdul Qahar Balkhi, a spokesperson for the Taliban’s Ministry of Foreign Affairs. Also attached hereto at **EXHIBIT F.3.** is a true and correct copy of a screen capture of the Twitter profile for @QaharBalkhi, which states that it is the account of “MoFA Spokesperson, Islamic Emirate of Afghanistan.”
19. Attached hereto as **EXHIBIT F.4.** are true and correct copies of the Twitter messages, in English, Pashto and Arabic, sent from @Grazioso_Plaintiffs to @QyAhmadi21 on May 31, 2023 and June 6, 2023. It is my understanding that @QyAhmadi21 is a Twitter account associated with Qari Yousaf Ahmadi, a Taliban spokesperson. Also attached hereto at **EXHIBIT F.4.** is a true and correct copy of a screen capture of the Twitter profile for @QyAhmadi21, which states that it is the account of “the spokesman of Islamic Emirate of Afghanistan.”
20. Attached hereto as **EXHIBIT F.5.** are true and correct copies of the Twitter messages, in English, Pashto and Arabic, sent from @Grazioso_Plaintiffs to @suhailshaheen1 on May 31, 2023 and June 6, 2023. It is my understanding that @suhailshaheen1 is a Twitter account associated with Suhail Shaheen, a Taliban spokesman. Also attached hereto at **EXHIBIT F.5.** is a true and correct copy of a screen capture of the Twitter profile for

@suhailshaheen1, which states that it is the account of “IEP Permanent Rep-design. To UN, Head of Political Office, former Negotiations Team’s Member.”

21. Attached hereto as **EXHIBIT F.6.** are true and correct copies of the Twitter messages, in English, Pashto and Arabic, sent from @Grazioso_Plaintiffs to @Zabehulah_M33. It is my understanding that @Zabehulah_M33 is a Twitter account associated with Zabihullah Mujahid, a spokesperson for the Taliban. Also attached hereto at **EXHIBIT F.6.** is a true and correct copy of a screen capture of the Twitter profile for @Zabehulah_M33, which states that it is the “Official Twitter Account of the Spokesman of the Islamic Emirate of Afghanistan.”

Dated: August 1, 2023
New York, NY

/s/ Timothy B. Fleming

Timothy B. Fleming (DC Bar No. 351114)
WIGGINS CHILDS PANTAZIS
FISHER GOLDFARB PLLC
2202 18th Street, NW, #110
Washington, DC 20009-1813
(202) 467-4489